

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

JOEY CANDELARIA,

Plaintiff,

v.

No. 1:22-cv-00905-KWR-SCY

BERNALILLO COUNTY  
METROPOLITAN DENTEION  
CENTER, *et al*,

Defendants.

**ORDER OF DISMISSAL**

**THIS MATTER** is before the Court following Plaintiff's failure to prosecute his Prisoner's Civil Rights Complaint. (Doc. 1). On January 31, 2023, the Court entered an Order to Cure Deficiency, requiring Plaintiff file a six-month account statement in support of this Application to Proceed *In Forma Pauperis*. (Docs. 3, 4). A copy of the Order mailed to Plaintiff at his address of record was returned as undeliverable on February 10, 2023. (Doc. 5). Plaintiff did not comply with, or otherwise respond to, the Court's Order to Cure Deficiency, and the deadline within which he was required to do so has now passed. Nor has Plaintiff updated his address of record as required by D.N.M. LR-Civ. 83.6. The Court will therefore dismiss the Complaint under Fed. R. Civ. P. 41(b) for "failure to prosecute [and] comply with the ... court's orders." *Olsen v. Mapes*, 333 F.3d 1199, 1204 n. 3 (10<sup>th</sup> Cir. 2003).

**IT IS THEREFORE ORDERED** that this case is **DISMISSED WITHOUT PREJUDICE**. The Court will enter a separate judgment closing this civil case.

**IT IS SO ORDERED.**

  
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**KEA W. RIGGS**  
**UNITED STATES DISTRICT JUDGE**